

ORDINANCE No. 2020- 11
JUNK AND SCRAP ORDINANCE

WHEREAS, the Town of Triana has an ordinance in place for the purpose of establishing policies, procedures, and regulations as it pertains to junk and scrap within the Town of Triana; and

WHEREAS, the Town Council wishes to repeal Ordinance 97-01 in its entirety and establish this Ordinance for the purpose stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

Section 1-Title

This Ordinance shall be known as the “Junk and Scrap Ordinance” for the Town of Triana.

Section 2 - Purpose

The Purpose of this Junk and Scrap Ordinance shall be to establish policies, procedures, and regulations with regard to junk and scrap within the Town of Triana and to further serve and protect the integrity and beauty of the Town of Triana.

Section 3 - Definitions.

For the purpose of this ordinance, the following definitions shall prevail:

Automobile Graveyard shall mean any residence, establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, ruined or dismantled motor vehicles or parts thereof.

Bulk Pickup or Large Debris Removal shall mean the periodic curbside removal of large debris and junk items by the Madison County Sanitation Department.

Inoperative Automobile shall mean any vehicle with a combination of three or more of the following conditions:

- a. any vehicle unable to move under its own power.
- b. any vehicle with registration expired longer than sixty (60) days or no license plate affixed or displayed.
- c. any vehicle with one or more flat tires for a period longer than seven (7) days.
- d. Broken or missing front windshield or rear window (if applicable)
- e. One or more missing major body panels such as the hood, doors, fenders, quarter-panels, or trunk lid if vehicle was originally equipped with said major body panel.

- f. significant and obvious vegetation growing on or through the vehicle.
- g. visibly leaking fuel, oil, coolant, transmission fluid, or brake fluid.

Junk shall mean and include all materials, whether ferrous or nonferrous, including, but not limited to, any used or secondhand parts or machinery, plumbing fixtures or parts thereof; building materials; parts of an automobile, bus or motor vehicle; gas or electrical fixtures or appliances or parts thereof; household hardware; wire; cable; bearings; valves; pipe fittings; or other used or second hand metal articles. including motor vehicles

Junk and Salvage Yard shall mean any premises, establishment or place of business which is maintained, graded or used for storing, keeping, buying, selling or dismantling of junk or salvage. but shall not include the place of business or premises of a scrap processor as herein defined.

Natural Disaster shall mean an Act of God such as a tornado, severe thunderstorm, severe snow storm, earthquake, or flood.

Scrap shall mean any discarded materials, including old cordage; ropes; rags; fibers or fabrics; old rubber; old bottles or other glass; bones; and other waste or discarded materials not otherwise classified herein as junk.

Scrap Metal Yard shall mean any residence, establishment or place of business which is maintained, used or operated solely for the processing or preparing of scrap metals for remelting by steel mill and foundries.

Scrap Processor shall mean any person engaged primarily in the purchase and collection of scrap metallics (e.g. manufacturing by-products, obsolescent machinery and vehicles) for the specific purpose of processing into scrap materials for the metals recovery industry (e.g., steel mills, foundries, smelters and refineries), having machinery and facilities designed for such processing, and making regular shipments of such scrap materials in the normal course of business.

Section 4 – Findings

In addition to the foregoing stated purpose of this Ordinance, the Town Council of the Town of Triana hereby further find and determine:

1. The storage of damaged, worn out, scrapped or discarded materials or objections, such as automobiles, building materials, machinery, metals, waste paper, rags, tinware, or other scrap or junk (as defined in this article) in the yards or other open spaces of lots used for residential and commercial purposes within the Town of Triana, tend to become overcome with weeds, littered with rubbish and debris, and infested with rats, mice, insects, reptiles, and other vermin; and
2. Such conditions tend to attract children and endanger their lives and health; spread disease; invite plundering; attract vagrants; create fire hazards and other safety and health hazards; create, extend, and aggravate urban blight; interfere with the enjoyment of and reduce the value of private property; and interfere with the comfort and well-being of the public; and
3. Adequate protection of the public health, safety, and welfare requires that the storage of junk and scrap metal be regulated and controlled.

Section 5 – Offenses

1. **Leaving on Public Ways:** It shall be unlawful for any person to abandon, store, leave, place or park any scrap or junk owned by him or in his possession upon any public street, public park, public highway, alley, way or other public property of the city. Further, it shall be unlawful for any person to abandon, store, leave, place or park any automobile owned by that person in his/her possession with a tag expired greater than ten (10) days upon any public street, public park, public highway, alley, way or other public property of the city.
2. **Storage on Residential Premises:**
 - a. It shall be unlawful for any person to store or keep upon the premises of any residential lot, apartment building or complex, trailer court or other tract or lot of land used for residential purposes any damaged, worn out, scrapped or discarded automobile, scrap or junk, as defined in this article, unless the same is housed in a covered, enclosed structure so as not to be viewable from any street or other private premises-and in such a manner as to prevent a health, fire or safety hazard as defined by the laws of the state and the ordinances of the city.
 - b. It shall be unlawful for any person to store upon the premises of any residential lot, apartment building or complex, trailer court or other tract or lot of land used for residential purposes-any automobile not in running condition, regardless of whether the same is damaged, worn out, scrapped or discarded, unless stored in accordance with subsection (a) hereof
3. **Storage on Commercial Premises**
 - a. It shall be unlawful for any person to store upon any premises used for business or commercial purposes within the City any damaged, worn out, scrapped or discarded automobiles, buses, motorcycles; gas or electric fixtures or appliances or parts thereof; plumbing fixtures or parts thereof; building materials; or other used or secondhand metal articles, scrap or junk, unless the same are housed in a covered, enclosed structure. Provided, however, that this section shall not apply (1) to such materials stored on the premises of a junk or salvage yard, scrap metal processor, or automobile graveyard as defined in this article; (2) to damaged but salvageable vehicles awaiting repair, or in the process of repair, on, the premises of any automobile repair shop or body shop or (3) to supplies and materials or building material companies, lumber yards or appliance and plumbing repair shops; so long as the same are stored in such a manner as to prevent overgrowth with weeds and the harboring of rats, mice, insects, reptiles or other vermin and so as to prevent a health, fire or safety hazard as defined by the laws of the state and the ordinance of the town.

Section 6 – Exceptions and Waivers

1. **Natural Disasters:** The Mayor may waive this ordinance, in her sole authority, in cases of natural disasters, acts of god, or other states of emergency for up to ninety (90) days within the Town of Triana.
2. **Fire:** The Mayor may waive this ordinance for the purpose of efficiently removing debris generated via structures damaged via fire for up to one-hundred eighty (180) days upon request from the owner of a residential or commercial property within the Town of Triana.

3. Demolition: The Mayor may waive this ordinance for the purpose of efficiently removing debris generated via the demolition of structure for up to ninety (90) days upon request from the owner of a residential or commercial property within the Town of Triana.
4. Bulk Pickup: Section 5.2. and Section 5.3 are hereby waived for the period beginning Sunday the week of "Large Debris Removal" and ending Saturday the week of "Large Debris Removal."
5. Other Waivers: Citizens, corporations, companies, and other entities cited under this Ordinance may request a mitigation waiver from the Town Council upon a written request for a waiver to the Town Council. The written request for waiver shall include the removal and mitigation plan. Upon receipt of said written request, the Town Council shall consider said written request at the next regularly-scheduled Council meeting. In the event that the Town Council grants said waiver, the Mayor or designee shall inspect the private or commercial property at the conclusion of the approved waiver period to determine if the cited violations were abated. The Mayor shall report back to the Town Council after inspection.

Section 7 – Enclosures

Every junk and salvage yard, scrap metal processing yard or automobile graveyard, as defined in this article, shall be enclosed except for entrances and exits, with a solid, or otherwise nontransparent vertical wall or fence of a minimum height of eight (8) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of business. Provided, however that this requirement shall be waived and modified as to any side 'or portion of said premises which is adequately screen by natural objects, plantings, fences, or other appropriate means so as not to be visible from adjacent public ways or from adjacent residentially occupied land and provided, further that no fence shall be required along a railroad right-of-way where the same is not reasonably necessary to discourage trespass by children and vagrants.

Section 8 – Enforcement

The police chief, town building inspector, and/or any person acting under their supervision, and/or any law enforcement officer, including but not limited to those employed by the Triana Police Department, are hereby authorized to issue citations to offenders to appear in Municipal Court of the Town of Triana to answer charges of violations of any of the provisions of this article. The Municipal Court of Triana shall have the authority to determine violations of this Ordinance.

Section 9 – Violations:

Any violators of this ordinance determined to be guilty by the Municipal Court of Triana may be fined in an amount of \$10.00 per day not to exceed \$750.00. Any violators of this ordinance with an approved waiver shall not be fined during the exempted period. Persons found to be in violation following an approved waiver shall be responsible for all fines retroactively to the beginning date of the waiver.

Section 10 – Effectivity:

This ordinance shall be in effect sixty (60) days following its adoption.

Section 11 – Repeal

Ordinances 97-01 and 2017-01 are hereby repealed in its entirety and replaced with the foregoing ordinance.

APPROVED and ADOPTED this ___ day of _____, 2020

Mayor Mary Caudle

ATTEST:

Sharon Humphrey, Clerk